

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(213)

CWP-13849-2018

Date of Decision : April 18, 2022

Manjit Singh (Manjeet Singh)

.. Petitioner

Versus

Punjab State Power Corporation Limited and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arvind Galav, Advocate, for the petitioner.

Mr. Akshay Rawal, Advocate, for the respondents.

HARSIMRAN SINGH SETHI J. (ORAL)

The prayer of the petitioner in the present petition is for quashing the order dated 08.11.2017 (Annexure P-20) by which, the claim of the petitioner for the grant of benefit as extended to the similarly situated employees, who are the petitioners in ***CWP No.15234 of 2004 titled as Kartar Singh and others versus Punjab State Electricity Board***, has been declined on the ground that the petitioner was not party to the said petition though, similar situated.

Learned counsel for the petitioner argues that the pay of the petitioner was reduced along with the other similarly situated employees, which action was challenged before this Court in CWP No.15234 of 2004, which petition was decided by a Coordinate Bench allowing the relief to the employees similarly situated as petitioners by holding that the recovery

being done from them was bad in law. The LPA filed against the said judgment being LPA No.1364 of 2011 also came to be dismissed and the SLP No.32240 of 2011 filed by the respondent-Board was also dismissed.

Learned counsel for the petitioner submits that thereafter, the order passed by the Hon'ble Supreme Court of India was implemented by issuing instructions vide Finance Circular No.14 of 2016, a copy of which has been appended as Annexure P-7, according to which, any recovery which has been effected from the employees, are to be refunded to them. Learned counsel for the petitioner further submits that the same prayer of the petitioner has been rejected by the respondents vide impugned order by ignoring the Finance Circular No.14 of 2016. The present petition is filed for the grant of prayer of refund of the recovery which has been effected from the petitioner amounting to Rs.2,84,259/-.

After notice of motion, the respondents have filed the reply. In the reply, the respondents have conceded the factum with regard to the Finance Circular No.14 of 2016 and further submitted that even in the fresh decision taken by the respondents-Corporation on 05.07.2019, the recovery which have been made from the workers and who have already been retired, is to be refunded.

Learned counsel for the respondents submits that keeping in view the lock down due to the pandemic of Covid-19, recoveries could not be refunded back so far but soon the petitioner's grievance will be removed.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that parties conceded the position that the petitioner is entitled for the refund of Rs.2,84,259/- recovery of which

was done from the pensionary benefits of the petitioner and the only dispute remains actual refund of the same, the respondents-Corporation is directed that in case the amount recovered from the pensionary benefits of the petitioner has not been refunded so far, the same be refunded back within a period of four weeks from the receipt of copy of this order.

It is further directed that the claim of the petitioner with regard to re-fixation of the pay of the petitioner which the petitioner was already drawing before the benefit was withdrawn be considered in case the same has been extended to the other similarly situated employee after the orders of the Hon'ble Supreme Court of India in *Kartar Singh's case (supra)*.

In case, the petitioner is found entitled for the re-fixation, let his pay and the pensionary benefits be also re-fixed and the consequential benefits including the arrears of the same be also released to him as done in the case of other similarly situated employees within reasonable period of two months.

The present writ petition is disposed of in above terms.

April 18, 2022
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned? : Yes/No
Whether reportable? : Yes/No